



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

MNDC, ERP, and FF

Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant has made application for a monetary Order for money owed or compensation for damage or loss; for an Order requiring the Landlord to make repairs to the rental unit; and to recover the filing fee from the Landlord for the cost of this Application for Dispute Resolution.

Both parties were represented at the hearing. They were provided with the opportunity to present relevant oral evidence, to ask relevant questions, and to make submissions to me.

The Tenant filed this Application for Dispute Resolution on November 05, 2010. She stated that she sent her Application for Dispute Resolution, the Notice of Hearing, and a package of evidence to the Landlord on November 09, 2010, via registered mail. The Landlord acknowledged receiving the documents on November 15, 2010.

The Landlord stated that she had insufficient time to repair a response to the Tenant's claim and serve her with evidence in support of that response, given that this hearing was scheduled for December 01, 2010. She submitted a package of evidence to the Residential Tenancy Branch, which was before me at the hearing, however she has not yet served these documents on the Tenant. She requested an adjournment to provide her with time to properly serve her evidence to the Tenant.

The parties were advised that the hearing would proceed with the understanding that the request for an adjournment would be reconsidered in the event evidence in the Landlord's possession became germane to the issues in dispute.

Issue(s) to be Decided

The issues to be decided are whether there is a need for an Order requiring the Landlord to repair the furnace and a wall in the bathroom; whether the Tenant is entitled to compensation for deficiencies with the rental unit; and whether the Tenant is entitled to recover the filing fee from the Landlord for the cost of this Application for Dispute Resolution.

Background and Evidence

The Landlord and the Tenant agree that this tenancy began on May 01, 2010 and that the Tenant is currently required to pay monthly rent of \$1,175.00 on the first day of each month.

After considerable discussion the Landlord and the Tenant mutually agreed to settle this dispute under the following terms:

- The Tenant will withdraw her Application for Dispute Resolution
- The Landlord agrees to reduce the monthly rent from \$1,175.00 to \$1,075.00, effective December 01, 2010, in compensation for being without functional heat ducting in the master bedroom and for compensation for living with deficiencies to the rental unit between now and the start of this tenancy
- The Landlord agrees that the rent reduction of \$100.00 will remain in place for the duration of the tenancy
- The Landlord agrees that she will repair the wall behind the toilet by January 01, 2011.

Conclusion

On the basis of the mutual agreement reached at this hearing, the rent for this tenancy is now \$1,075.00. The Tenant retains the right to file another Application for Dispute Resolution if the wall behind the toilet is not repaired by January 01, 2011.

This resolution is recorded on the basis of the authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: December 01, 2010.

Dispute Resolution Officer